

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed Emergency After Notice

Pursuant to the authority of Iowa Code sections 214.10, 214A.2 and 215.24, the Department of Agriculture and Land Stewardship amends Chapter 85, “Weights and Measures,” Iowa Administrative Code.

The amendments allow gasoline which contains greater than 10 percent ethanol by volume and up to 15 percent ethanol by volume (E-15) to be sold from the same hose as other registered gasoline products. The “for flex fuel only” sticker is no longer required on pumps using this fuel. Pumps with ethanol classified as higher than E-10 are required to have the federal sticker identifying the fuel as up to 15 percent ethanol for use only in flex-fuel vehicles and model year 2001 and newer passenger vehicles. The octane rating shall be posted for regular fuels. The Department waited to finalize action on the amendments until gasoline that contains greater than 10 percent ethanol by volume and up to 15 percent ethanol by volume (E-15) became a registered fuel with the EPA.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin as **ARC 9757B** on September 21, 2011. Two comments were received. The comments were generally supportive of the Noticed amendments.

The amendments require that an octane rating be posted for registered fuels. The proposed amendment to subrule 85.48(14) included a sentence that prevented the posting of an octane rating for ethanol blended gasoline classified as higher than E-10 and up to E-15 until the rating was approved pursuant to 16 CFR Part 306 published August 25, 2011. That sentence was not adopted.

The Department finds that the normal effective date of these amendments, 35 days after publication, should be waived and the amendments made effective March 16, 2012. The Department finds that these amendments confer a benefit on the public by allowing fuel newly registered by the EPA to be sold. Therefore, these amendments are filed pursuant to Iowa Code section 17A.5(2)“b”(2), and the normal effective date of these amendments is waived.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code section 214A.2.

These amendments became effective March 16, 2012.

The following amendments are adopted.

ITEM 1. Amend subrule 85.48(11) as follows:

85.48(11) Ethanol blended gasoline classified as higher than ~~E-10~~ E-15 shall have a visible, legible “for flex fuel vehicle only” sticker on the pump or pump handle.

ITEM 2. Adopt the following new subrule 85.48(12):

85.48(12) Ethanol blended gasoline classified as higher than E-10 and up to E-15 shall have on the pump the federal sticker required by the Environmental Protection Agency in 40 CFR Part 80 published August 25, 2011.

ITEM 3. Amend subrule 85.48(14) as follows:

85.48(14) Octane rating of fuel offered for sale shall be posted on the pump in a conspicuous place. The octane rating shall be posted for registered fuels. ~~However, no~~ No octane rating shall be posted on the pump for ethanol blended gasoline classified as higher than ~~E-10~~ E-15.

ITEM 4. Amend rule 21—85.50(214,214A,215) as follows:

21—85.50(214,214A,215) Blender pumps. Motor fuel blender pumps or blender pumps installed or modified after November 1, 2008, which sell both ethanol blended gasoline classified as higher than ~~E-10~~ E-15 and gasoline need to have at least two hoses per pump.

This rule is intended to implement Iowa Code section 214A.2.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/4/12.